

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|----------------|---|--------------------------|
| IN RE: |) | Chapter 11 |
| |) | Case No. 20-17355 |
| JAMES SAMATAS, |) | |
| |) | Hon. A. Benjamin Goldgar |
| Debtor. |) | March 8, 2021 |
| |) | Hearing Time: 9:30 a.m. |

NOTICE OF MOTION

To: See Attached Service List

PLEASE TAKE NOTICE THAT on March 8, 2021, at the hour of 9:30 a.m., we shall appear before the Honorable A. Benjamin Goldgar **VIA ZOOM VIDEO CONFERENCING**, at which time we shall present *Debtor's Motion for an Order Under 11 U.S.C. §105(a) and Federal Rules of Bankruptcy Procedure 2002(a)(7) and 3003(C)(3)(a) Setting Final Date for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof*, a copy of which is attached hereto a served upon you and shall pray for the entry of an order in conformity with said pleading, at which time and place you may appear if you so see fit.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password. **The meeting ID for this hearing is 161 500 0972 and the password is 726993.** The meeting ID and password can also be found on the judge's page on the court's web site.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID 161 500 0972 and password 726993.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

JAMES SAMATAS, Debtor

By: /s/ Ariel Weissberg
One of his attorneys

Ariel Weissberg, Esq. (Attorney No. 03125591)
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CERTIFICATE OF SERVICE

I, Ariel Weissberg, certify that on February 9, 2021, I caused to be served ***Debtor's Motion for an Order Under 11 U.S.C. §105(a) and Federal Rules of Bankruptcy Procedure 2002(a)(7) and 3003(C)(3)(a) Setting Final Date for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof*** to be filed electronically. Notice of this filing was sent to all parties registered with the court's ECF electronic transmission, including to the following parties:

Patrick S. Layng, Esq.
Office of the U.S. Trustee, Region 11
219 S Dearborn Street, Room 873
Chicago, IL 60604-2027
By Email: patrick.layng@usdoj.gov

David Holtkamp, Esq.
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(Counsel for West Suburban Bank)

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(Counsel for Bank of America, N.A.)

and on February 9, 2021, by first class U.S. mail, postage prepaid to the following parties:

Illinois Department of Revenue
Bankruptcy Section
100 W. Randolph Street
Chicago, IL 60606

Illinois Department of Revenue
Legal Services Office MC5-500
101 West Jefferson
Springfield, IL 62794

U.S. Attorney
219 S. Dearborn Street
Chicago, IL 60604

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

District Director
Internal Revenue Service
230 S. Dearborn St.
Mail Stop 5016-CHI
Chicago, IL 60604

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Tax Division (DOJ)
Department of Justice – Tax Division
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P.O. Box 15548
Wilmington, DE 19886

/s/ Ariel Weissberg
Ariel Weissberg

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
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| IN RE: |) | Chapter 11 |
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| JAMES SAMATAS, |) | |
| |) | Hon. A. Benjamin Goldgar |
| Debtor. |) | Hearing Date: March 8, 2021 |
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**DEBTOR'S MOTION FOR AN ORDER UNDER 11 U.S.C. §105(a) AND FEDERAL
RULES OF BANKRUPTCY PROCEDURE 2002(a)(7) AND 3003(c)(3)(A) SETTING
FINAL DATE FOR FILING PROOFS OF CLAIM AND APPROVING THE FORM AND
MANNER OF NOTICE THEREOF**

NOW COMES Debtor, James Samatas ("Debtor"), by his attorneys, Ariel Weissberg and the law firm of Weissberg and Associates, Ltd., and pursuant to 11 U.S.C. §105(a) and Federal Rules of Bankruptcy Procedure 2002(a)(7) and 3003(c)(3) (the "Motion") for the entry of an order: (a) establishing a deadline for filing certain proofs of claim; and (b) approving the form and manner of notice thereof. In support of this Motion, Debtor state as follows:

I. INTRODUCTION

1. On September 21, 2020, the Debtor filed a voluntary petition in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division seeking to reorganize under Chapter 11 of the Bankruptcy Code.

2. By this Motion, the Debtor seeks entry of an order fixing the last date within which certain proofs of claim against Debtor must be filed. Debtor further requests that the Bankruptcy Court approve the proposed notice of the last date within which certain proofs of claim must be filed (the "Notice of Bar Date"), a copy of which is attached hereto as **Exhibit 1**.

I. THE BAR DATE

3. Fed. R. Bankr. P. 3003(c)(3) provides: "The court shall fix ... the time within which proofs of claim or interest may be filed."

4. Debtor requests that, other than for Governmental Units, the Court fix May 15, 2021 as the bar date (the "Bar Date") for filing "claims" (as that term is defined in Section 101(5) of the Bankruptcy Code) arising before the Petition Date against Debtor.

5. Debtor requests that the Court fix June 15, 2021 as the bar date for Governmental Units (as defined in Section 101(27) of the Bankruptcy Code), to file proofs of claim arising before the Petition Date against Debtor (the "Government Bar Date" and together with the Bar Date, the "Bar Dates").

6. Debtor request that proofs of claim for any rejection damages claims arising during this Chapter 11 case under sections 365(g) and 502(g) of the Bankruptcy Code be filed by the later of: (a) the date set by the Court in an order authorizing the rejection of such executory contract or unexpired lease; or (b) the Bar Date or, as applicable, the Government Bar Date. Nonetheless, proofs of claim for any other claims that arose prior to the Petition Date pursuant to any lease or contract must be filed by the Bar Date or, as applicable, the Government Bar Date.

II. NOTICE OF BAR DATE

7. In connection with the setting of the Bar Dates, Debtor also requests that the Bankruptcy Court approve the Notice of Bar Date. The Notice of Bar Date will inform all interested parties of the existence of the Bar Dates and their right to file proofs of claim against Debtor and the consequences of failing to do so. The Debtor submits that the Notice of Bar

Date is reasonably calculated to provide all known creditors and other parties in interest with sufficient notice of the Bar Dates.

8. The Debtor request that proofs of claim be filed prior to the Bar Dates by creditors of Debtor on account of any "claim" (as that term is defined in Section 101(5) of the Bankruptcy Code) arising before the Petition Date. Nevertheless, this Motion shall not apply to creditors holding or wishing to assert the following types of claims against Debtor:

- (a) any individual or entity that has already filed a proof of claim against Debtor in accordance with the procedures set forth herein and the Notice of Bar Date;
- (b) any individual or entity (i) that agrees with the nature, classification and amount of a debt set forth in the Schedules and (ii) whose potential claim against Debtor is not listed as "disputed," "contingent," or "unliquidated" in the Schedules;
- (c) any individual or entity that had a claim against Debtor previously allowed by, or paid pursuant to, an order of the Bankruptcy Court; or
- (d) any individual or entity asserting a claim allowable under section 503(b) and 507(a)(1) as an administrative expense of Debtor's Chapter 11 case.

9. If Debtor modifies or supplements the Schedules, Debtor propose that any entity whose claim is listed in any such modification or supplement shall have until the later of: (a) the Bar Date or, as applicable, the Government Bar Date; or (b) thirty (30) days after such modification or supplement is served to file a proof of claim.

10. Pursuant to Fed. R. Bankr. P. 2002(a)(7), Debtor intends to mail the Notice of Bar Date to all known creditors by no later than March 11, 2021. As a result, Debtor's creditors will

have in excess of the twenty one-day period proscribed by Fed. R. Bankr. P. 2002(a)(7) for notice of the Bar Dates.

WHEREFORE, Debtor, James Samatas, respectfully requests that the Bankruptcy Court enter an order as follows: (a) setting the general bar date for filing pre-petition claims against Debtor's estate for May 15, 2021; (b) setting the bar date for Governmental Units (as that term is defined in Section 101(27) of the Bankruptcy Code) to file pre-petition claims against Debtor's estate for June 15, 2021; (c) approving the Notice of Bar Date; and (d) granting such other and further relief the Bankruptcy Court deems just and proper under the circumstances.

JAMES SAMATAS, Debtor

By: /s/ Ariel Weissberg
One of his attorneys

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